

ENTERED

August 31, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LATORRENCE TORRELL NEWMAN,

Plaintiff,

vs.

OFFICER MARFO, *et al.*,

Defendants.

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CIVIL ACTION NO. H-19-352

ORDER

State inmate LaTorrence Torrell Newman sued officials of the Texas Department of Criminal Justice under 42 U.S.C. § 1983, alleging violations of his civil rights. The sole remaining defendant is Lieutenant Reid, whom Newman sued for monetary damages in his individual capacity for violating his First Amendment right to the free exercise of his religion. (Docket Entry Nos. 88, 99). The court has previously denied Newman's requests for appointment of counsel. (Docket Entry Nos. 17, 32, 59, 84).

On April 7, 2021, the court entered a scheduling order directing Reid to file any dispositive motions by June 7, 2021. (Docket Entry No. 90). Reid filed a timely motion for summary judgment on the basis of qualified immunity, and Newman filed a response. (Docket Entry Nos. 94, 96). On August 27, 2021, the court denied Reid's motion for summary judgment, finding that factual disputes material to determining Reid's entitlement to qualified immunity required a trial. (Docket Entry No. 99).

Although Newman has done a commendable job representing himself, a district court may appoint counsel for an indigent inmate when a case presents exceptional circumstances, such as a trial that "will consist in large part of conflicting testimony so as to require skill in the presentation

of evidence.” *Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982); *see also Naranjo v. Thompson*, 809 F.3d 793, 803 (5th Cir. 2015). Because the court finds that the assistance of trained counsel will be beneficial for a jury trial in this case, the court grants Newman’s previous request for appointment of counsel and stays this case until it locates a volunteer.

All remaining deadlines in the scheduling order (Docket Entry No. 90) are vacated. This action is stayed and administratively closed until further notice. The court will reinstate this case and will enter a new scheduling order for a pretrial conference once counsel for Newman has been located.

SIGNED on August 31, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large loop at the end of the last name.

Lee H. Rosenthal
Chief United States District Judge